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EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,827	KRING ET AL.	
	Examiner	Art Unit	
	Michael D Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. Application fails to comply with 37 CFR 1.63(a)(1) in that the Oath/Declaration is not signed by all inventors.

2. Oath/Declaration conflicts with specification in that the Oath/Declaration specifies Gregory H. Barrault's citizenship as the United States, while the cover sheet (unnumbered) of the Specification and page 3 of 4 in the Application Data Sheet dated 08/20/2002 designate Mr. Barrault's citizenship as France.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 11-12, 17-18, and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 3 recites the limitations "the source" and "the destination" in line 2 of the claim. There is insufficient antecedent basis for these limitations in the claim.

b. As per claim 11, it is unclear to the examiner as to whether the applicant desired to include the limitation of "how and when" in the claim as specified. The parentheses surrounding "how and when" in line 8 of the claim must be removed and the claim must be clarified to show whether or not "how and when" are limiting factors in the claim.

The applicant recites the limitation "destination for the messages" in line 7 of the claim. This limitation lacks antecedent basis in the claims. Examiner believes the applicant meant to specify "destination of messages" to remain consistent with what is mentioned previously in the claim.

The applicant recites the limitation "the policy manager" in lines 6 and 7 of the claim. This limitation lacks antecedent basis in the claims. Examiner believes the applicant' meant to specify "the message policy manager" to remain consistent with what is mentioned previously in the claim.

The applicant recites the limitation "one of the messages" in line 8 of the claim. This limitation lacks antecedent basis in the claims. Examiner believes the applicant meant to specify "one message" in this place.

c. Claim 12 recites the limitations "the source" and "the destination" in line 2 of the claim. There is insufficient antecedent basis for these limitations in the claim.

d. Claims 17 and 19 recite the limitation "the message" in line 1 and lines 3, 5, 8, and 10 of the claims respectively. There is insufficient antecedent basis for this limitation in the claims.

e. Claim 18 recites the limitation "the user" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

f. Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is meant to be specified when the applicant discloses "delivery of the

message to through the wireless network" on lines 10 and 11 of the claim. For the purposes of applying art, the examiner will presume the applicant meant to specify "to or through" in place of "to through".

g. Claim 21 recites the limitation "the messages" in lines 3, 5, and 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-14, 17-19, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson, III et al. (U.S. 6,609,196 B1) hereinafter referred to as Dickinson, in view of Pandya et al. (U.S. 6,671,724 B1) hereinafter referred to as Pandya.

a. As per claim 1, Dickinson teaches: receiving a message from a data network by a policy manager coupled between two networks (Abstract); parsing the message to identify selected information in the message for delivery of that message to a selected user of a client device (lines 49-53 of column 5 and lines 49-56 of column 9); determining a processing decision for the message based upon at least the selected information and predetermined information of the policy manager while storing the message during apportion of time as the processing decision is determined (line 25 of column 9 through line 17 of column

10); and performing the processing decision for delivery of the message through the network to the client device (line 25 of column 9 through line 17 of column 10).

Dickinson does not teach a wireless network or a wireless client device. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers, pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the network as wireless and the client device as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the

network as wireless and the client device as wireless in the system and taught by Dickinson.

b. As per claim 2, Dickinson teaches: processing is selected from sending, waiting, killing, replacing, delaying, grouping, prioritizing, scheduling, or filtering (lines 40-56 of column 5; and line 16 of column 9 through line 17 of column 10).

c. As per claim 3, Dickinson teaches: the message is defined as data provided from the source to the destination (Abstract).

d. As per claim 4, Dickinson teaches: the message is selected from an e-mail message, an SMS message, an instant message, a chat message, a voice message, an alert, a video message, a picture, a map, an MP3 file, or a drawing (Abstract).

e. As per claim 5, Dickinson teaches: the message being received by an input handler in the policy manager (Abstract).

f. As per claim 6, Dickinson teaches: the processing decision is based upon external information and internal information (line 40 of column 5 through 39 of column 6).

g. As per clam 7, Dickinson teaches: transferring the message to the client device based upon the processing decision (lines 46-56 of column 9). Dickinson does not teach a wireless client device. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers,

pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the client device as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the client device as wireless in the system and taught by Dickinson.

h. As per claim 8, Dickinson teaches: the receiving is provided by an input handler that receives the message and is coupled to the data network (line 40 of column 5 through 39 of column 6).

i. As per claim 9, Dickinson teaches: the storing is on a cache device for temporary storage of the message (line 64 of column 9 through line 17 of column 10).

j. As per claim 10, Dickinson teaches: the performing is provided from an output handler, the output handler being coupled to the wireless network (lines 46-63 of column 9). Dickinson does not teach a wireless network. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers, pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the network as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the network as wireless in the system and taught by Dickinson.

k. As per claim 11, Dickinson teaches: a data network, the data network including a source of messages (Abstract); a network, the network including a destination of the messages (lines 49-56 of column 9); a message policy manager coupled to a network and coupled to the data network such that the policy manager is configured between the source of messages on the data network and the destination of messages on the network (Abstract); and the policy manager being capable of taking a message and making a decision on a processing operation for delivery of the message to the network (Abstract and lines 49-56 of column 9).

Dickinson does not teach a wireless network. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers, pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the network as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a

combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the network as wireless in the system and taught by Dickinson.

l. As per claim 12, Dickinson teaches: the message is defined as data provided from the source to the destination (Abstract).

m. As per claim 13, Dickinson teaches: the message policy manager is distributed on one or more server devices, each of the server devices being coupled to a wide area network of computers (lines 46-63 of column 9).

n. As per claim 14, Dickinson fails to teach the wireless network configuration is selected from at least a cellular network or a paging network. However, Pandya discloses: "The control points and agents may be loaded on a wide variety of devices, including general purpose computers, servers, routers, hubs, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory," (lines 33-37 of column 7).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the wireless network configuration selected from at least a cellular network or a paging network. "Agents and control points may reside on separate devices, or simultaneously on the same device," (lines 38-39 of column 7 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the

wireless network configuration selected from at least a cellular network or a paging network in the system as taught by Dickinson.

o. As per claim 17, Dickinson teaches: the message is selected from an e-mail message, an SMS message, an instant message, a chat message, a voice message, an alert, a video message, a picture, a map, an MP3 file, or a drawing (Abstract).

p. As per claim 18, Dickinson teaches: the decision is based upon at least a parameter selected from source information, destination information, data in the message, preferences of the user at the destination, status of one or more portions of the wireless network, accessibility of the user, roaming user, or carrier traffic shaping (line 40 of column 5 through line 39 of column 6).

q. As per claim 19, Dickinson teaches: a parsing module coupled to the data network, the parsing module being configured to identify information in the message (lines 49-53 of column 5); a policy engine coupled to the parsing module, the policy engine determines a processing decision for the message based upon the identified information from the parsing module (lines 49-53 of column 5 and lines 49-56 of column 9); a storage module coupled to the parsing module, the storage module being configured to store the message as the processing decision is performed (line 64 of column 9 through line 17 of column 10); and an enforcement module coupled to the policy engine and the storage module for performing the processing decision and providing an operation for delivery of the message to the wireless network (line 49 of column 9 through line 17 of column 10).

Dickinson does not teach a wireless network. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers, pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the network as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the network as wireless in the system and taught by Dickinson.

r. As per claim 21, Dickinson teaches: a policy engine, which determines a processing decision for one or more of the messages module (lines 49-53 of column 5 and lines 49-56 of column 9); a storage module coupled to the

policy engine, the storage module including an input handler for receiving the messages and an output handler for processing and delivering messages (Abstract); and a message cache coupled between the input handler and the output handler, the cache being configured to store one or more of the messages as the processing decision is performed (line 64 of column 9 through line 17 of column 10).

6. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson and Pandya as applied to claim 11 above, in view of Sen et al. (U.S. 6,701,149 B1) hereinafter referred to as Sen.

Dickinson and Pandya fail to teach: the wireless network is a GSM, CDMA, GPRS, EDGE, TDMA, CDMA2OOO, WCDMA, IMT2000, Mobitex, CDPD, Datatek, Palknet, or Ardis. However, Sen discloses: "Also, the resource allocation and appropriate reservation can be done at the target to meet the mobile node's demand. In a variation of this scheme in GSM and NA TDMA, the mobile node assists the network by periodically sending it RF related information regarding the mobile nodes' neighboring cells, (lines 5-8 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the wireless network as a GSM, CDMA, GPRS, EDGE, TDMA, CDMA2OOO, WCDMA, IMT2000, Mobitex, CDPD, Datatek, Palknet, or Ardis. "This facilitates the decision making process at the network and is called Mobile Assisted Handoff (MAHO), (lines 8-10 of column 2 in Sen). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the wireless network as a GSM,

CDMA, GPRS, EDGE, TDMA, CDMA2OOO, WCDMA, IMT2000, Mobitex, CDPD, Datatek, Palknet, or Ardis in the system as taught by Dickinson and Pandya.

7. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson and Pandya as applied to claim 11 above, in view of Levy (U.S. 6.556.997 B1).

Dickinson and Pandya fail to teach: a source selected from at least SMSC, WAP gateway, or MMSC. However, Levy discloses: "it is to be understood, by reference to the conceptual framework shown in FIG. 2, that the invention is applicable to other transmission technologies, delivery protocols, receiving devices, interconnection technologies, and information sources. These include all cellular phone technologies, including but not limited to GSM, TDMA, CDMA, AMPS, DAMPS, protocols such as SMA and WAP, paging protocols, wireless telephones such as personal communication systems (PCS) and ultimate receiving units such as cellular telephones, alpha numeric pagers, computers, telephones and fax machines," (lines 17-27 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a source selected from at least SMSC, WAP gateway, or MMSC. "The system provides an information 'switch', taking information from any source and transferring it via any channel, providing a mobile portal having seamless access with all interfaces," (lines 37-41 of column 4 in Levy). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivate to have a source selected

from at least SMSC, WAP gateway, or MMSC in the system as taught by Dickinson and Pandya.

8. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson and Pandya as applied to claim 19 above.

Dickinson teaches: a decision support module coupled to the policy engine and the network, the decision support module receiving network status information and/or user information from the wireless network, the information being provided to the policy engine for determining the processing decision (line 40 of column 5 through line 39 of column 6).

Dickinson fails to teach a wireless network. However, Pandya discloses: "virtually any type of computing device may be connected to the networks depicted in FIG. 2, including general purpose computers, laptop computers, handheld computers, wireless computing devices, mobile telephones, pagers, pervasive computing devices and various other specialty devices," (lines 62-67 of column 4 and FIG. 2).

It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to disclose the network as wireless. "Typically, many of the connected devices are general purpose computers which have at least some of the elements shown in FIG. 3, a block diagram depiction of a computer system 40. Computer system 40 includes a processor 42 that processes digital data. The processor may be a complex instruction set computing (CISC) microprocessor, a reduced instruction set computing (RISC) microprocessor, a very long instruction word (VLIW) microprocessor, a processor implementing a

combination of instruction sets, a microcontroller, or virtually any other processor/controller device. The processor may be a single device or a plurality of devices," (line 67 of column 4 through line 11 of column 5 in Pandya). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to disclose the network as wireless in the system and taught by Dickinson.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tindal et al. (U.S. PG Pub. 2002/0069367 A1) disclose a network operating system data directory.

Schneider et al. (U.S. 6105027 A) disclose techniques for eliminating redundant access checking by access filters.

Gustafsson (U.S. 6424841 B1) discloses short message service with improved utilization of available bandwidth.

Jorgensen (U.S. 6452915 B1) discloses IP-flow classification in a wireless point to multi-point (PTMP transmission system).

Hinrichs, S. ("Policy-Based Management: Bridging the Gap") discloses firewalls, encryption-routers, topology, and infrastructure.

Huang et al. ("Policies in a Resource Manager of Workflow Systems: Modeling, Enforcement and Management") discloses policy management and resource management.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER